

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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CAN'T STOP PRODUCTIONS, INC.,

Case No.: 7:17-cv-06513-CS

Plaintiffs,

-against-

SIXUVUS, LTD., ERIC ANZALONE,
ALEXANDER BRILEY, FELIPE ROSE,
JAMES F. NEWMAN, RAYMOND
SIMPSON, and WILLIAM WHITEFIELD,

Defendants.

X-----X

**DECLARATION OF ALEXANDER BRILEY IN SUPPORT OF MOTION FOR
A TEMPORARY RESTRAINING ORDER AND
A PRELIMINARY INJUNCTION**

Alexander Briley, pursuant to 28 U.S.C. § 1746, declares under the penalty of perjury, as follows:

1. I am the secretary of Sixuvus, Ltd. ("Sixuvus"), a defendant in the within action and I have knowledge of the facts herein based upon my own personal knowledge and the books and records of Sixuvus.
2. I submit this declaration in support of Sixuvus' motion for a temporary restraining order and a preliminary injunction.
3. The facts stated herein are true and correct and of my own personal knowledge and the books and records of Sixuvus. If called and sworn as a witness, I could and would testify competently thereto under oath.
4. I have been performing as a member of Village People since 1977, and I perform as the soldier.

5. Village People were formed in 1977 with the help of Henri Belolo, and the late Jacques Morali who were seeking to form a Disco Group.

6. Throughout the 1970's, the Village People put out highly successful songs such as "Go West," "Macho Man," "In the Navy," "Y.M.C.A." Victor Willis was the lead singer of these songs.

7. Victor Willis stopped performing live as the lead singer of Village People in 1979.

8. In or around 1985, Village People went on a hiatus and ceased performing, making public appearances and recording music after Can't Stop informed those who were performing as Village People at the time, including myself, that Can't Stop was closing its New York City office and ending Village People as well.

9. Between 1985 and 1987, I was unaware of any indication or desire from Can't Stop that anyone would perform as Village People ever again. Between 1985 and 1987, I was unaware of any indication or desire from Can't Stop that Village People would ever resume performing. To the contrary based on what Can't Stop told us it was clear they did not ever intend to use Village People for live performances again.

10. The reason Village People reunited was that Randy Jones, who had also been a performer in Village People, assembled us all back together.

11. Can't Stop did not try to reunite Village People in 1987.

12. Sixuvus was formed in 1987 to manage the affairs of the men who perform as Village People. No owner of Can't Stop has ever been an owner of Sixuvus. Victor Willis has never been associated with Sixuvus in any way.

13. In 1987, when Sixuvus was formed and began performing live, Victor Willis did not return as the lead singer of Village People. Instead, Raymond Simpson, who had been the lead singer of Village People from 1979 until 1983, was hired to be our lead singer, and he continues to be our lead singer to this day.

14. To my knowledge, between 1985 and 1987, there were no Village People performances anywhere in the world.

15. Victor Willis and others acting on his behalf, including his wife Karen Willis, have been trying to disrupt Sixuvus' business and live performances as Village People for years. After several incidents, Sixuvus filed a lawsuit in the Superior Court of the State of California, for the County of San Diego, alleging claims of intentional interference with contractual relationships, intentional interference with prospective economic advantage, negligent interference with prospective economic advantage, unfair business practices and injunctive relief.

16. Sixuvus in fact obtained a Preliminary Injunction in that action which ordered that "Victor Willis, as well as Victor Willis' associates, agents, suppliers, servants, employees, officers, directors, representatives, successors, assigns and attorneys, and any other person(s) acting in concert or participation with Victor Willis, [were] restrained and enjoined from engaging, committing, or performing, directly or indirectly, any and all of the following acts: **Disrupting any live performance or public appearance of Sixuvus performing as the Village People.**"

17. When we settled that case, which Can't Stop eventually became a party to, Victor Willis agreed to follow the Preliminary Injunction.

18. The whole point for Sixuvus to enter into the Settlement Agreement was to have an assurance that Victor Willis and others acting on his behalf or in concert or participation with

him would never again directly or indirectly disrupt Sixuvus' business of performing live as Village People. Now, and despite Can't Stop's awareness of the Settlement Agreement, that is what they are helping Victor Willis do—breach his obligations under the Settlement Agreement.

19. Can't Stop's attempt to terminate our license is preventing Sixuvus from performing as Village People, and if Can't Stop is allowed to continue to help Victor Willis stop us from performing as Village People, it will have severe consequences for Sixuvus.

20. If we are prevented from performing as Village People for the entire time this lawsuit is pending, it will likely ruin our reputation with the various promoters, bookers and venues that we work with regularly and have worked with for years. Also, it would be impossible to re-build the business Sixuvus has built if we could not perform live as Village People for a period of months or years.

21. Sixuvus wishes to conduct our business without harassment, interference and disruption caused by Victor Willis, and those acting in concert with him including Karen Willis (his wife), her companies and Plaintiff in this lawsuit, who has claimed to grant Harlem West Entertainment an exclusive license to use Village People marks.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 30, 2017, in Mount Vernon, New York.

A handwritten signature in black ink, appearing to read "Alexander Briley", written over a horizontal line.

Alexander Briley